IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

OP.No. 28744 of 1999(V)

PETITIONER:

CHERIAN PHILIP,
THEKKANALIL,
KULATHOOR (PO),
MALLAPPALLY.

BY ADV. SRI.K.S.MOHAMED HASHIM

RESPONDENTS:
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1. **SECRETARY,**
   LABOUR DEPARTMENT,
   GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

2. **TAHSILDAR,**
   MALLAPPALLY,
   PATHANAMTHITTA DISTRICT.

3. **VILLAGE OFFICER,**
   KOTTANGAL, MALLAPPALLY.

4. **DISTRICT EXECUTIVE OFFICER,**
   KERALA MOTOR TRANSPORT WORKERS WELFARE
   FUND BOARD, PATHANAMTHITTA.

BY GOVERNMENT PLEADER SMT. SMITHA SUKUMARAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 12/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

ORDER ON C.M.P.NO.48873/1999 IN O.P.NO.28744/1999 V

DISMISSED

12/09/2007 **SD/- THOTTATHIL B.RADHAKRISHNAN,JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1; COPY OF THE ORDER DTD. 6/09/1997 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P2: COPY OF THE DEMAND NOTICE DTD. 16/06/99 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P3: COPY OF THE REPRESENTATION DD. 5/07/99 SUBMITTED TO THE 1ST RESPONDENT.

/TRUE COPY/

P.S.TO JUDGE

KSS

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.28744 of 1999-V

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Dated this the 12th day of September, 2007.

JUDGMENT

1. The petitioner challenges the recovery proceedings under the Revenue Recovery Act following demand and orders under the Kerala Motor Transport Workers Welfare Fund Act. At the time of admission on 18-11-1999, there was an interlocutory order issued on C.M.P.48873/99 directing stay, if the petitioner pays one-third of the amount demanded in Ext.P2.

2. Going by the facts, if the petitioner has enjoyed the benefit of that interim order, that itself would be sufficient relief since he does not appear to be entitled to anything more. This is because, the proceedings under the Act has become final. Petitioner is not entitled to

urge any contention in opposition to the decisions under the Act regarding the dues to the Welfare Fund. The revenue recovery proceedings are duly authorized and therefore, there is no jurisdictional error or legal infirmity in the impugned recovery. The writ petition fails. The same is accordingly dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.28744 of 1999-V

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JUDGMENT

Dated: 12th September, 2007.